IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.835 of 2007
Date of Decision: 22.1.2007

Laxmi Naryan and another ....Petitioner through Ramesh Sharma,Advocate

Versus

Union of India and others ...Respondents

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE.
HON'BLE MR.JUSTICE RAJIVE BHALLA

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

Challenge in the present writ petition is to certain conditions in a notice inviting tenders, issued by the Indian Railways, for operation and management of catering stalls.

The contentions urged by counsel for the petitioners are that the condition requiring deposit of earnest money of Rs.1.00 lac, for each stall, is onerous and violative of the provisions of Section 19(1)(g) of the Constitution of India. It is contended that this condition is far in excess of the earlier licence fee, which was Rs.2135 and should, therefore, be quashed. It is also urged that the railways have no legal authority to reserve

3% stalls in categories A,B and C for miniorities, as such reservation is not permissible in law.

We have heard learned counsel for the petitioners, perused the paper book as also the notice inviting tenders.

The attempt by the railways to modernise and improve, operations and management of catering stalls, at railway stations, appears to be the cause for the demand for enhanced security. The right to determine, terms and conditions, contained in a notice inviting tenders, vests with the authority inviting tenders. Interference, by a Court, would be warranted only where the terms and conditions are prima facie arbitrary, unreasonable or malafide. The terms and conditions in the notice inviting tenders does not suffer from any of the above disabilities. The demand of a security of R.1.00 lac, in our considered opinion, does not violate the provisions of Article 19(1)(g) of the Constitution of India. In so far as the second contention, namely; the alleged reservation of 3% for miniorities, the said reservation does not in any manner impinge upon the petitioners' right to participate in the tender process. The petitioners, as admitted by counsel for the petitioners, have not so far applied for the issuance of a tender form or submitted an offer in response to the notice inviting tenders. Consequently, being devoid of any merit, the present petition is dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

22.1.2007
GS

(RAJIVE BHALLA)
JUDGE